APPLYING NEW STATUTES

Below the SAT
Commercial Items
COTS Items

STATUTORY BASIS

- 41 U.S.C. 1905 – List of Laws Inapplicable to Contracts or Subcontracts Not Greater than the SAT.

- 41 U.S.C 1906 - List of Laws Inapplicable to Procurements of Commercial Items (contracts or subcontracts).

- 41 U.S.C. 1907 – List of Laws Inapplicable to Procurements of COTS Items.

COVERED LAW

- Sets forth policies, procedures, requirements, or restrictions for the procurement of property or services.

- Does NOT provide for criminal or civil penalties.

- Does NOT specifcally refer to one of these sections of law and specify applicability notwithstanding. (For COTS items, see also 41 U.S.C. 1907(a)(3).

AUTHORITY TO EXCLUDE FROM LIST

FAR rules:

- Not greater than SAT – FAR Council
- Commercial items – FAR Council
- COTS items – Administrator for Federal Procurement Policy

DFARS rules – Director, DPAP

DETERMINATION

It would not be in the best interest of the Government to exempt _____ from the applicability of the provision of law:

- Contracts or subcontracts in amounts not greater than the SAT;
- Contracts or subcontracts for procurement of commercial items;
- Procurements of COTS items.